

AMENDED IN ASSEMBLY APRIL 29, 2010

AMENDED IN ASSEMBLY APRIL 21, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2137

Introduced by Assembly Member Chesbro

February 18, 2010

An act to amend, repeal, and add Sections 14540 and 14542 of the Food and Agricultural Code, relating to fertilizer.

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, as amended, Chesbro. Fertilizing material: labels.

Existing law generally regulates fertilizing materials, as defined, including the labeling of fertilizing materials. Existing law defines “label” and “labeling” for purposes of these provisions.

This bill would, until January 1, ~~2015~~ 2014, provide that “label” and “labeling” do not include a certified laboratory analysis, *as defined*, showing the nutrient contents of compost, cocompost, or mulch, as defined, if the laboratory analysis documentation contains a specified statement, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14540 of the Food and Agricultural Code
- 2 is amended to read:
- 3 14540. (a) “Label” means the display of all written, printed,
- 4 or graphic matter on the immediate container of, or a statement,

1 including the guaranteed analysis, accompanying fertilizing
2 material.

3 (b) (1) Notwithstanding the registration and fee requirements
4 of Article 5 (commencing with Section 14601) and Article 6
5 (commencing with Section 14611), “label” does not include a
6 certified laboratory analysis showing the nutrient contents of
7 compost, cocompost, or mulch, as defined in subdivision (c) of
8 Section 12207 of the Public Contract Code, if the laboratory
9 analysis documentation states in 12-point boldface type, with
10 ~~underseored text, that the compost, cocompost, or mulch “is~~
11 *underscored text, the following:*

12 *The [compost, cocompost, or mulch (as appropriate)] is*
13 *produced by a process that is inherently variable, due to variation*
14 *in feedstock and natural variation in biological processes.*
15 *Therefore, the nutrient content of the material you are buying may*
16 *vary from the data in the attached laboratory analysis. If you wish*
17 *to assess the range of variability, please ask for prior laboratory*
18 ~~*analyses for material produced by the same process.” analyses for*~~
19 *material produced by the same process.*

20 (2) For purposes of paragraph (1), all of the following shall
21 apply:

22 (A) A “certified laboratory analysis” means an analysis
23 performed in accordance with the sampling requirements
24 established in Article 7 (commencing with Section 17868.1) of
25 Chapter 3.1 of Division 7 of Title 14 of the California Code of
26 Regulations.

27 (B) If all compost product being sold is represented by a single
28 laboratory analysis, a “certified laboratory analysis” means the
29 laboratory analysis performed on the batch of the compost being
30 sold.

31 (C) If the compost product being sold contains material from
32 more than one 5,000 cubic yard batch, a “certified laboratory
33 analysis” means all laboratory analyses conducted on all the
34 batches of compost that comprise the final compost product.

35 (c) This section shall remain in effect only until January 1, 2015
36 2014, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, 2015 2014, deletes or extends
38 that date.

39 SEC. 2. Section 14540 is added to the Food and Agricultural
40 Code, to read:

1 14540. (a) “Label” means the display of all written, printed,
2 or graphic matter on the immediate container of, or a statement,
3 including the guaranteed analysis, accompanying fertilizing
4 material.

5 (b) This section shall become operative on January 1, 2015
6 2014.

7 SEC. 3. Section 14542 of the Food and Agricultural Code is
8 amended to read:

9 14542. (a) “Labeling” means all written, printed, or graphic
10 matter on, accompanying, or used in promoting the sale of any
11 fertilizing material, including advertisements, brochures, posters,
12 and television and radio announcements.

13 (b) (1) Notwithstanding the registration and fee requirements
14 of Article 5 (commencing with Section 14601) and Article 6
15 (commencing with Section 14611), “labeling” does not include a
16 certified laboratory analysis showing the nutrient contents of
17 compost, cocompost, or mulch, as defined in subdivision (c) of
18 Section 12207 of the Public Contract Code, if the laboratory
19 analysis documentation states in 12-point boldface type, with
20 ~~underscoring text, that the compost, cocompost, or mulch~~ “is
21 *underscoring text, the following:*

22 *The [compost, cocompost, or mulch (as appropriate)] is*
23 *produced by a process that is inherently variable, due to variation*
24 *in feedstock and natural variation in biological processes.*
25 *Therefore, the nutrient content of the material you are buying may*
26 *vary from the data in the attached laboratory analysis. If you wish*
27 *to assess the range of variability, please ask for prior laboratory*
28 ~~*analyses for material produced by the same process.” analyses for*~~
29 ~~*material produced by the same process.*~~

30 (2) *For purposes of paragraph (1), all of the following shall*
31 *apply:*

32 (A) *A “certified laboratory analysis” means an analysis*
33 *performed in accordance with the sampling requirements*
34 *established in Article 7 (commencing with Section 17868.1) of*
35 *Chapter 3.1 of Division 7 of Title 14 of the California Code of*
36 *Regulations.*

37 (B) *If all compost product being sold is represented by a single*
38 *laboratory analysis, a “certified laboratory analysis” means the*
39 *laboratory analysis performed on the batch of the compost being*
40 *sold.*

1 (C) *If the compost product being sold contains material from*
2 *more than one 5,000 cubic yard batch, a “certified laboratory*
3 *analysis” means all laboratory analyses conducted on all the*
4 *batches of compost that comprise the final compost product.*

5 (c) This section shall remain in effect only until January 1, ~~2015~~
6 2014, and as of that date is repealed, unless a later enacted statute,
7 that is enacted before January 1, ~~2015~~ 2014, deletes or extends
8 that date.

9 SEC. 4. Section 14542 is added to the Food and Agricultural
10 Code, to read:

11 14542. (a) “Labeling” means all written, printed, or graphic
12 matter on, accompanying, or used in promoting the sale of any
13 fertilizing material, including advertisements, brochures, posters,
14 and television and radio announcements.

15 (b) This section shall become operative on January 1, ~~2015~~
16 2014.